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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 ERICK MARQUIS BROWN,

11 Petitioner,

12 vs.

13 BRIAN WILLIAMS, SR., *et al.*,

14 Respondents.
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Case No. 2:14-cv-00194-JCM-CWH

ORDER

17 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254
18 by a Nevada state prisoner.

19 By order filed July 25, 2014, the court directed respondents to file a response to the petition.
20 (ECF No. 4). On August 25, 2014, petitioner filed a motion to amend the petition. (ECF No. 6).
21 Petitioner seeks leave to amend because he asserts that his original petition omits critical grounds
22 and issues. (*Id.*). Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, petitioner's
23 motion to amend is granted. The court will vacate the current deadline for respondents to file a
24 response to the original petition.

25 In filing an amended petition, petitioner is advised that an amended petition supercedes the
26 original petition and therefore must be complete in itself. *See Hal Roach Studios, Inc. v. Richard*
27 *Feiner & Co.*, 896 F.2d 1542, 1546 (9th Cir. 1990). "All causes of action alleged in an original
28 complaint which are not alleged in an amended complaint are waived." *King v. Atiyeh*, 814 F.2d

1 565, 567 (9th Cir. 1987) (citation omitted). The amendment of a petition constitutes waiver of any
2 omitted arguments or claims from previous versions of the petition. *See Forsyth v. Humana, Inc.*,
3 114 F.3d 1467, 1474 (9th Cir. 1997). Therefore, the amended petition must contain all grounds for
4 relief and factual allegations that petitioner wishes to pursue in this action. Moreover, the amended
5 petition must be filed on the court's approved habeas corpus form and must be entitled "First
6 Amended Petition."

7 **IT IS THEREFORE ORDERED** that petitioner's motion to amend the petition (ECF No.
8 6) is **GRANTED**.


9 **IT IS FURTHER ORDERED** that the clerk **SHALL SEND** petitioner the form for filing a
10 § 2254 habeas corpus petition in this court, together with instructions for filing the form.

11 **IT IS FURTHER ORDERED** that petitioner **SHALL FILE**, within **thirty (30) days** from
12 the date of entry of this order, an amended petition. The amended petition must be filed on the
13 court's approved habeas corpus form and must be entitled "First Amended Petition."

14 **IT IS FURTHER ORDERED** that respondents' deadline to respond to the original petition
15 is **VACATED**. Once an amended petition is filed, it will be reviewed by the court and further
16 deadlines shall be set.

17 **IT IS FURTHER ORDERED** that if petitioner fails to file an amended petition within
18 thirty (30) days, this action shall proceed on the original petition.

19 Dated this 23rd day of October, 2014.

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22 UNITED STATES DISTRICT JUDGE
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